

# Issues For Medical Malpractice Reform



*Presented by*  
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Suits are filed as “fishing expeditions” without competent expert support.

- Medical Malpractice Review Panel
- North Carolina style certification
- Expert disclosure before discovery



Trend toward bringing medical claims as “battery,” “breach of contract” or “defamation.”



# Statute of Limitations

## S t r e t c h e d

- Filing in remote jurisdictions
- Series of ex parte non-suits



# Va. Code §8.01-399

- Restricts investigation of claims
- Sometimes blocks expert testimony by treating health care provider
- Imbalance in medical malpractice litigation



Increases in uninsured,  
charitable, or  
limited-reimbursement  
services



# Evidentiary Issues

- “I’m sorry” protection
- Introduction of medical literature
- Self-critical analysis protection
- Fictitious damages through recent collateral source rule interpretations
- Inaccurate impression created by limiting number of experts.



# Expert Witness Abuses



# Use of depositions to support summary judgment

